

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Frankdricus L. Jackson,)	C/A No. 2:09-2930-JFA-RSC
)	
Petitioner,)	
)	
vs.)	ORDER
)	
Warden Cecilia Reynolds,)	
)	
Respondent.)	
_____)	
)	

The *pro se* petitioner, Frankdricus Jackson, brings this action pursuant to 28 U.S.C. § 2254 alleging ineffective assistance of counsel and lack of subject-matter jurisdiction relating to his state court conviction for drug trafficking.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that this action should be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

The petitioner was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on May 7, 2010. However, he did not file any objections to the Report within the time limits prescribed. Additionally, the petitioner did not respond to the court's order of April 5, 2010, pursuant to *Roseboro v.*

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Garrison, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of his reply to the respondent's motion for summary judgment.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. In addition, the court has considered the Fourth Circuit's four-prong test² in its decision. Accordingly, this action is dismissed with prejudice for failure to prosecute under Rule 41(b).

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." The signature is written in a cursive, slightly slanted style.

Joseph F. Anderson, Jr.
United States District Judge

June 1, 2010
Columbia, South Carolina

² See *Davis v. Williams*, 588 F.2d 69, (4th Cir. 1978); *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982).